

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD O'HEARN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

LES SCHWAB WAREHOUSE CENTER, INC.
and LES SCHWAB TIRE CENTERS OF
WASHINGTON, INC.,

Defendants.

No. 2:13-cv-02005-TSZ

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION**

This matter comes before the Court on Plaintiff's Motion for Class Certification, filed on June 26, 2014. Pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3), Plaintiff requested entry of an Order certifying the following class:

All persons who are or were employed as assistant managers by Les Schwab Tire Centers in Washington State and were classified as exempt employees at any time during the three years before the filing of the Complaint and thereafter, excluding Les Schwab's legal representatives, officers, directors, assigns, owners, and successors.

Plaintiff further requested entry of an Order appointing him as Class representative and designating Plaintiff's counsel as counsel for the Class. Upon review of the pleadings in the case and the briefs herein, and after consideration of the arguments presented by counsel, the Court finds as follows:

1. The proposed Class is of sufficient size that joinder of all Class members is impracticable, thus satisfying Fed. R. Civ. P. 23(a)(1);

2. There are questions of law and fact common to the Class, thus satisfying Fed. R. Civ. P. 23(a)(2);

3. Plaintiff's claims are typical of the claims of the Class, thus satisfying Fed. R. Civ. P. 23(a)(3);

4. Plaintiff will fairly and adequately protect the interests of the Class, thus satisfying Fed. R. Civ. P. 23(a)(4);

5. The questions of law and fact common to the Class predominate over any questions affecting only individual members, thus satisfying Fed. R. Civ. P. 23(b)(3);

6. A class action is superior to other available methods for the fair and efficient adjudication of the controversy, satisfying Fed. R. Civ. P. 23(b)(3); and

7. Plaintiff's counsel meets the requirements of Fed. R. Civ. P. 26(g) and will fairly and adequately protect the interests of the Class.

Therefore, it is hereby ORDERED that Plaintiff's Motion for Class Certification is **GRANTED**.

8. The Class, as defined above, is certified under Fed. R. Civ. P. 23(b)(3);

9. Plaintiff Richard O'Hearn is hereby appointed representative of the certified Class;

10. Steve W. Berman and Jeniphr A.E. Breckenridge of Hagens Berman Sobol Shapiro LLP are appointed Class Counsel; and

11. The parties are ordered to meet and confer regarding a proposed Notice Plan, and submit a Joint Proposal Regarding Notice of Pendency of Class Action no later than 30 days after entry of this Order.

IT IS SO ORDERED.

DATED this _____ day of _____, 2014.

THE HONORABLE THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE

1 Presented by:

2 HAGENS BERMAN SOBOL SHAPIRO LLP

3 By: /s/ Steve W. Berman

4 By: /s/ Jeniphr A.E. Breckenridge

Steve W. Berman, WSBA #12536

Jeniphr A.E. Breckenridge, WSBA #21410

5 1918 Eighth Avenue, Suite 3300

6 Seattle, Washington 98101

Telephone: (206) 623-7292

7 Facsimile: (206) 623-0594

steve@hbsslaw.com

8 jeniphr@hbsslaw.com